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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,269	12/03/2001	Jennifer C. Waskow	10012931-1	9886

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EXAMINER

DIVINE, LUCAS

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,269

Applicant(s)

WASKOW, JENNIFER C.

Examiner

Lucas Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/3/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both a printer in Fig. 3 and a monitor in Fig. 4.
2. The drawings are objected to because the hose in Fig. 7 should be labeled 32 instead of 30 – see paragraph 50 of spec.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 'straight transport path' must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The disclosure is objected to because of the following informalities: balloon is spelled incorrectly in paragraph 12.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 7, 8, 9, 11, 12, 15, 16, 19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Banzai (US 6613417).

Regarding claim 16, Banzai teaches **a balloon printing apparatus** (embodiment 6 in cols. 23 and 24 including inkjet printer for printing on balloons) **comprising:**

**a frame** (assistant guide paper 23 – Figs. 9 and 10; col. 23 lines 58-62, and further discussed according to other embodiments [col. 23 line 56]) **for holding a balloon and supporting said balloon during passage through an inkjet printer** (assistant guide paper is

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used to hold the balloon as it passes through the inkjet printer, further discussion in col. 19 lines 5-15 and col. 24 line 28);

**a balloon** (balloon body 11, Fig. 9) **disposed on said frame** (Fig. 9); and  
**an inkjet printer** (col. 24 lines 27-29 and 40-50 – col. 9 line 51, col. 10 line 31) **for receiving said balloon mounted on said frame and printing an image on said balloon.**

Regarding claim 19, which depends from claim 16, Banzai teaches **inkjet printer comprises a color inkjet printer** (col. 9 lines 50-54, col. 10 lines 31-33 teach the multiple colors of a inkjet printer as well known in the art).

Regarding claim 21, which depends from claim 16, Banzai teaches **the frame comprises paper** (col. 23 line 61).

Regarding claims 1 and 2, the structural elements of apparatus claim 16 perform all of the method steps of method claims 1 and 2. Therefore, method claims 1 and 2 are rejected for the same reasons as set forth in the rejection of apparatus claim 16.

Regarding claim 7, which depends from claim 1, the structural elements of apparatus claim 19 perform all of the method steps of method claim 7. Therefore method claim 7 is rejected for the same reasons as set forth in the rejection of apparatus claim 19.

Regarding claim 8, which depends from claim 1, Banzai teaches **a balloon which has a width greater than eight inches** (col. 19 line 18).

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Regarding claims 9 and 11, the structural elements of apparatus claim 16 perform the method steps of method claims 9 and 11 except the limitation below. Therefore, method claims 9 and 11 are rejected for the same reasons as set forth in the rejection to apparatus claim 16. Banzai also teaches using the inkjet printer with computers (col. 1 line 12, line 48, line 64) suggesting the standard use of sending data to a printer for printing. Loading discussed in col. 24 line 40.

Regarding claim 12, which depends from claim 11, the structural elements of apparatus claim 21 perform all of the method steps of method claim 12. Therefore method claim 12 is rejected for the same reasons as set forth in the rejection of apparatus claim 21.

Regarding claim 15, which depends from claim 9, Banzai teaches **image comprises text, graphics, or a combination of text and graphics** (col. 1 lines 10-11).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 6, 10, 13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banzai as applied to claims 16, 1, and 9 above, and further in view of Prakopcyk et al. (US 5951359).

Regarding claims 17 and 18, which depend from claim 16, Banzai does not specifically teach that the balloon printed on is a foil balloon comprising a polyester film or the polyester film comprises MYLAR.

Prakopcyk teaches a balloon printing system including inkjet printers (col. 1 line 63) and teaches that it is typical (col. 1 line 17) to form **a foil balloon** (col. 1 lines 20, 26, 57) **comprising a polyester film** (col. 1 line 59) **and the polyester film comprises MYLAR** (col. 1 lines 17 and 57).

It would have been obvious to one of ordinary skill in the art to use 'typical' balloon types in the balloon printing apparatus of Banzai. The motivation for doing so would have been to allow the printer of Banzai to print on well known types of balloons, thus making the invention more useful and attractive to users.

Regarding claims 4, 5, and 13, which depend from claims 1 and 9, the structural elements of apparatus claims 17 and 18 perform all of the method steps of method claims 4, 5 and 13. Therefore, method claims 4, 5, and 13 are rejected for the same reasons as set forth in the rejection of apparatus claims 17 and 18.

Regarding claims 6 and 10, which depend from claims 1 and 9, Banzai does not specifically teach inflating the balloon.

Prakopcyk teaches inflating a balloon that has had images printed on it (bottom of Fig. 1).

It would have been obvious to one of ordinary skill in the art to inflate balloons in order to use them for their intended purpose.

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7. Claims 20 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banzai as applied to claims 16 and 9 above, and further in view of Iwaya (US 6247805).

Regarding claim 20, which depends from claim 16, while Banzai teaches an inkjet printer as commonly known in the art, Banzai does not specifically teach the inkjet printer to have a straight transport path.

Iwaya teaches a inkjet printer with a straight transport path (Figs. 1 & 3).

It would have been obvious to one of ordinary skill in the art to have a straight transport path in a inkjet printer. The motivation for doing so would have been to have a simpler physical design to the inkjet printer as opposed to more complicated designs and implementations of rotating the medium in different ways. Further, the medium is printed faster because transport time is kept to a minimum.

Regarding claim 14, which depends from claim 9, the structural elements of apparatus claim 20 perform all of the method steps of method claim 14. Therefore method claim 14 is rejected for the same reasons as set forth in the rejection of apparatus claim 20.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banzai as applied to claim 1 above, and further in view of Mitani et al. (US 5896154).

Regarding claim 3, which depends from claim 1, while Banzai teaches an inkjet printer as commonly known in the art, Banzai does not specifically teach a high-speed inkjet printer to have a straight transport path.

Mitani teaches a high-speed (col. 1 line 45) inkjet printer with a straight transport path (Figs. 1 & 2).



It would have been obvious to one of ordinary skill in the art to have a straight transport path in a high-speed inkjet printer. The motivation for doing so would have been to have a simpler physical design to the inkjet printer as opposed to more complicated designs and implementations of rotating the medium in different ways. Further, the medium is printed faster because transport time is kept to a minimum. Further, the motivation for having a high-speed inkjet printer over a regular inkjet printer would have been to produce outputs faster.

9. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banzai as applied to claim 16 above, and further in view of Simmons et al. (US 2002/0149642).

Regarding claims 22 and 25, which depend from claim 16, Banzai teaches the assistant guide to be paper as a means for assisting and guiding the balloon through the inkjet printer. Thus it is clear that other types of media used in inkjet printers that could assist and guide the balloon through the printer could be used.

Banzai does not specifically teach what other types of media used in inkjet printers could be.

Simmons teaches that other types of media used in inkjet printers could be cardstock and transparencies (paragraph 33).

It would have been obvious to one of ordinary skill in the art that other types of media could be used in guiding the balloon. One motivation for doing so might have been to allow other types of media to be used if paper were run out. Another might have been that cardstock or transparencies might be easier to handle than paper for a user.

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10. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banzai as applied to claim 16 above, and further in view of Ishii et al. (US 6843553).

Regarding claims 23 and 24, which depend from claim 16, Banzai teaches the assistant guide to be paper as a means for assisting and guiding the balloon through the inkjet printer. Thus it is clear that other types of media used in inkjet printers that could assist and guide the balloon through the printer could be used.

Banzai does not specifically teach what other types of media used in inkjet printers could be.

Ishii teaches that other types of media used in inkjet printers could be plastic and vinyl (col. 21 lines 1-11).

It would have been obvious to one of ordinary skill in the art that other types of media could be used in guiding the balloon. One motivation for doing so might have been to allow other types of media to be used if paper were run out. Another might have been that cardstock or transparencies might be easier to handle than paper for a user.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6663455, Lang, 12-16-2003: teaches balloons and wrapping materials including printing on a foil balloon on a frame.

US-1870825, Sprague, 8-9-1932: teaches a process of printing on inflatable articles.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lucas Divine  
Examiner  
Art Unit 2624

**KING Y. POON**  
**PRIMARY EXAMINER**

ljd